

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

UNITED STATES OF AMERICA,

v.

CR19 0102

EMC

JOHN C. FRY,

FILED

FEB 28 2019

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

DEFENDANT(S).

INDICTMENT

Title 31, United States Code, Section 5322(a) – Unauthorized Disclosure of
Suspicious Activity Reports;

Title 18, United States Code, Section 1030(a)(2) – Misuse of Computer;
Title 42, United States Code, Section 408(a)(8) – Use of a Social Security Number

A true bill

Linda Fox

Foreman

Filed in open court this 18th day of

Feb, 2019

Clerk

Bail, \$

summons requested

CD

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT					
BY: <input type="checkbox"/> COMPLAINT <input type="checkbox"/> INFORMATION <input checked="" type="checkbox"/> INDICTMENT <input type="checkbox"/> SUPERSEDING			Name of District Court, and/or Judge/Magistrate Location NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION		
OFFENSE CHARGED Title 31, United States Code, Section 5322(a) – Unauthorized Disclosure of Suspicious Activity Reports; Title 18, United States Code, Section 1030(a)(2) – Misuse of Computer; Title 42, United States Code, Section 408(a)(8) – Use of a Social Security Number			<input type="checkbox"/> Petty <input type="checkbox"/> Minor <input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Felony		
PENALTY: See Penalty Sheet Attachment			DEFENDANT - U.S. JOHN C. FRY <i>EMC</i> <small>DISTRICT COURT NUMBER</small> CR19 0102 FILED		
PROCEEDING Name of Complainant Agency, or Person (& Title, if any) <u>Treasury Inspector General for Tax Administration</u>			DEFENDANT IS NOT IN CUSTODY <small>FEB. 28, 2019</small> Has not been arrested, pending outcome this proceeding 1) <input checked="" type="checkbox"/> If not detained give date any prior summons was served on above charged SUSAN Y. SOONG <small>CLERK, U.S. DISTRICT COURT</small> <small>NORTH DISTRICT OF CALIFORNIA</small>		
<input type="checkbox"/> person is awaiting trial in another Federal or State Court, give name of court <hr/> <input type="checkbox"/> this person/proceeding is transferred from another district per (circle one) FRCr 20, 21, or 40. Show District <hr/> <input type="checkbox"/> this is a reprocsecution of charges previously dismissed which were dismissed on motion of: <input type="checkbox"/> U.S. ATTORNEY <input type="checkbox"/> DEFENSE			IS IN CUSTODY SHOW DOCKET NO. <hr/> MAGISTRATE CASE NO. <u>3-19-70176 LB</u>		
<input type="checkbox"/> this prosecution relates to a pending case involving this same defendant <hr/> <input type="checkbox"/> prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under			} If answer to (6) is "Yes", show name of institution Has detainer <input type="checkbox"/> Yes been filed? <input type="checkbox"/> No } If "Yes" If "Yes" give date filed _____ DATE OF ARREST → Month/Day/Year Or... if Arresting Agency & Warrant were not		
Name and Office of Person Furnishing Information on this form <u>David L. Anderson</u> <input checked="" type="checkbox"/> U.S. Attorney <input type="checkbox"/> Other U.S. Agency			DATE TRANSFERRED TO U.S. CUSTODY → Month/Day/Year <input type="checkbox"/> This report amends AO 257 previously submitted		
PROCESS: <input type="checkbox"/> SUMMONS <input checked="" type="checkbox"/> NO PROCESS* <input type="checkbox"/> WARRANT If Summons, complete following: <input type="checkbox"/> Arraignment <input type="checkbox"/> Initial Appearance Defendant Address: <hr/> Comments:					
Bail Amount: _____ <small>* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment</small>					
Date/Time: _____ Before Judge: _____					

PENALTY SHEET ATTACHMENT:
JOHN C. FRY

31 U.S.C. § 5322(a) [Unauthorized Disclosure of Suspicious Activity Reports]

Count 1:

Imprisonment: up to 5 years
Supervised release: up to 3 years
Fine: \$250,000
Special assessment: \$100 (mandatory)

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18 U.S.C. § 1030(a)(2) and (c)(2)(B)(ii) [Misuse of Computer]

FEB 28 2019

Counts 2 and 3:

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

Imprisonment: up to 5 years
Supervised release: up to 3 years
Fine: \$250,000
Special assessment: \$100 (mandatory)

42 U.S.C. § 408(a)(8) [Use of Social Security Number]

Count 4:

Imprisonment: up to 5 years
Supervised release: up to 3 years
Fine: \$250,000
Special assessment: \$100 (mandatory)

1 DAVID L. ANDERSON (CABN 149604)
2 United States Attorney

FILED

FEB 28 2019

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5 SUSAN Y. SONG
6 CLERK, U.S. DISTRICT COURT
7 NORTH DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

EMC

11 UNITED STATES OF AMERICA,

) N. CR19 - 0102

12 Plaintiff,

)
13 v.) VIOLATIONS: Title 31, United States Code, Section
14 JOHN C. FRY,) 5322(a) – Unauthorized Disclosure of Suspicious
15 Defendant.) Activity Reports; Title 18, United States Code,
16) Section 1030(a)(2) – Misuse of Computer; Title 42,
17) United States Code, Section 408(a)(8) – Use of a
18) Social Security Number
19) SAN FRANCISCO VENUE
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I N D I C T M E N T

20 The Grand Jury charges:

21 COUNT ONE: (31 U.S.C. § 5322(a) – Unauthorized Disclosure of Suspicious Activity Reports)

22 1. On or about and between May 4, 2018, and May 14, 2018, in the Northern District of
23 California and elsewhere, the defendant,

24 JOHN C. FRY,

25 an employee of a federal government authority, willfully violated subchapter II of Title 31 and a
26 regulation and order prescribed thereunder, namely Section 1020.320(e)(2) of Title 31 of the Code of
27 Federal Regulations, by disclosing Suspicious Activity Reports (“SARs”) and information that would
28 reveal the existence of a SAR, which disclosure was not necessary to fulfill FRY’S official duties.

1 2. Specifically, FRY knowingly disclosed and described SARs, which he obtained by virtue
2 of his position as an Investigative Analyst employed by the Internal Revenue Service, Criminal
3 Investigative Division, including by verbally describing and electronically sending images of SARs to
4 Michael Avenatti.

In violation of Title 31, United States Code, Section 5322(a).

COUNT TWO: (18 U.S.C. § 1030(a)(2) – Misuse of Computer)

3. On or about May 4, 2018, in the Northern District of California, the defendant,

JOHN C. FRY,

10 intentionally exceeded authorized access to a computer, and thereby obtained information from a
11 department and agency of the United States and from a protected computer.

In violation of Title 18, United States Code, Section 1030(a)(2) and (c)(2)(B)(ii).

14 | COUNT THREE: (18 U.S.C. § 1030(a)(2) – Misuse of Computer)

4. On or about May 7, 2018, in the Northern District of California, the defendant,

JOHN C. FRY,

17 intentionally exceeded authorized access to a computer, and thereby obtained information from a
18 department and agency of the United States and from a protected computer.

In violation of Title 18, United States Code, Section 1030(a)(2) and (c)(2)(B)(ii).

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1 COUNT FOUR: (42 U.S.C. § 408(a)(8) – Use of a Social Security Number)

2 5. On or about May 7, 2018, in the Northern District of California, the defendant,

3 JOHN C. FRY,

4 did use the social security number of a person in violation of a law of the United States, specifically 18
5 U.S.C. § 1030(a)(2).

6 In violation of Title 42, United States Code, Section 408(a)(8).

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8 DATED: Feb. 28, 2019

A TRUE BILL.

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FOREPERSON
San Francisco

DAVID L. ANDERSON
United States Attorney

JOHN H. HEMANN
Deputy Chief, Criminal Division

Approved as to form: 

Kimberly Hopkins
Assistant United States Attorney